

Message Text

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ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 /026 R

DRAFTED BY L/ARA:F.ARMSTRONG:F.WILLIS:JV
APPROVED BY ARA:H.SHLAUDEMAN
U.S. ATTORNEYS OFFICE -E.PROPPER
L/M - K. MALMBORG
S/S - APSHANKLE

----- 005359 /17

P 150013Z DEC 76
FM SECSTATE WASHDC
TO AMEMBASSY CARACAS PRIORITY

S E C R E T STATE 303401

EXDIS

E.O. 11652: XGDS-1 AND 2

TAGS: PFOR, PINS, VE

SUBJECT: REQUEST TO INTERROGATE BOSCH

REFS: (A) CARACAS 13581, B) CARACAS 13582,
(C) CARACAS 13669

1. WE ARE FORWARDING BY POUCH LETTERS ROGATORY AND
ACCOMPANYING DOCUMENTS, TOGETHER WITH TRANSLATIONS,
REQUESTING JUDICIAL ASSISTANCE TO INTERROGATE ORLANDO
BOSCH CONCERNING THE LETELIER ASSASSINATION. THESE
DOCUMENTS HAVE BEEN RECEIVED FROM EUGENE M. PROPPER,
ASSISTANT U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA.

2. DEPT. REQUESTS THE AMBASSADOR DELIVER DOCUMENTS TO

GOV OFFICIALS AT HIGHEST LEVEL AMBASSADOR CONSIDERS APPRO-
PRIATE FOR TRANSMISSION TO THE PROPER TRIBUNAL FOR
EXECUTION. IN DOING SO, AMBASSADOR SHOULD MAKE THE
FOLLOWING POINTS: (1) THE DEPTS. OF STATE AND JUSTICE
CONSIDER IT TO BE OF THE UTMOST IMPORTANCE THAT SENOR
ORLANDO BOSCH AVILA BE QUESTIONED ABOUT THE ASSASSINATION

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OF FORMER CHILEAN AMBASSADOR TO THE U.S. ORLANDO LETELIER. (2) TAKING ACCOUNT OF APPLICABLE VENEZUELAN LAW AND EARLIER INSTRUCTIONS VENEZUELAN OFFICIALS HAVE GIVEN TO US RE THIS MATTER, (REFS A AND B), WE ARE FOLLOWING PROCEDURES SUGGESTED BY THE GOVERNMENT OF VENEZUELA USING LETTERS ROGATORY. (3) THE ATTORNEY GENERAL OF THE U.S. HAS APPROVED THE USE OF LETTERS ROGATORY, EMANATING FROM THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA AND ADDRESSED TO THE COMPETENT COURT IN VENEZUELA. LETTERS INCLUDE A LIST OF QUESTIONS WHICH THE FEDERAL PROSECUTOR WISHES ASKED OF BOSCH. (4) THE QUESTIONS HAVE BEEN PLACED UNDER SEAL BY THE U.S. DISTRICT COURT TO KEEP THEM OUT OF THE PRESS. (5) THE DEPTS. OF STATE AND JUSTICE WOULD APPRECIATE IT IF THESE DOCUMENTS WERE PROMPTLY PRESENTED TO THE APPROPRIATE COURT. (6) WE CONSIDER IT IMPERATIVE THAT THE FEDERAL PROSECUTOR, PROPPER, (WITH AN ASSISTANT) BE PRESENT WHEN THE QUESTIONS ARE ASKED. (THE LETTERS ROGATORY INCLUDE THIS REQUEST TO THE COURT, AS WELL AS A REQUEST THAT PROPPER BE PERMITTED TO ASK SUPPLEMENTAL QUESTIONS OR REQUEST THE COURT TO DO SO, IF NECESSARY DURING THE COURSE OF THE QUESTIONING OF BOSCH.) (7) PROPPER WILL BE AVAILABLE TO BE IN COURT ANYTIME AT THE COURT'S CONVENIENCE, BUT HOPES THAT THE QUESTIONING CAN TAKE PLACE AS SOON AS POSSIBLE AFTER JANUARY 18, 1977. (8) PROPPER ALSO WOULD INTEND TO REVIEW OFFICIAL POLICE REPORTS WHEN IN VENEZUELA, IN ACCORDANCE WITH PERMISSION THAT HAS ALREADY BEEN GIVEN BY ACTING FOREIGN MINISTER (REFTEL C).

3. IN ACCORDANCE WITH THE PROVISIONS OF 7 FAM 844.3, THE COMPLETED TESTIMONY SHOULD BE RETURNED TO THE DEPARTMENT IN AN ENVELOPE BEARING THE EMBASSY'S SEAL IN WAX FOR TRANSMISSION TO THE DEPARTMENT OF JUSTICE. PLEASE ADVISE THE DEPARTMENT (L/ARA) OF ANY CHARGES ASSESSED BY GOV.

4. FYI. IT IS IMPOSSIBLE FOR PROPPER TO BE IN VENEZUELA JANUARY 8 THROUGH 16, AND HIGHLY INCONVENIENT, BUT POSSIBLE FOR ANY OTHER TIME BEFORE THE 18TH. AS INDICATED PARA 3 HE VERY MUCH HOPES EXAMINATION WOULD BE AFTER
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JANUARY 18, BUT AS SOON AFTER THAT DATE AS POSSIBLE.
END FYI. KISSINGER

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LETTERS ROGATORY, ASSASSINATION
Control Number: n/a
Copy: SINGLE
Draft Date: 15 DEC 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE303401
Document Source: CORE
Document Unique ID: 00
Drafter: F.ARMSTRONG:F.WILLIS:JV
Enclosure: DC ALSO X1
Executive Order: X2
Errors: N/A
Film Number: D760461-0212
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761240/aaaabiqo.tel
Line Count: 109
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SS
Original Classification: SECRET
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS
Reference: 76 CARACAS 13581, 76 CARACAS 13582, 76 CARACAS 13669
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 21 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 JUL 2004 by ElyME>; APPROVED <21 JUL 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REQUEST TO INTERROGATE BOSCH
TAGS: PFOR, PINS, VE, (LETELIER, ORLANDO), (BOSCH AVILA, ORLANDO)
To: CARACAS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006